

**NORTHERN TERRITORY OF AUSTRALIA**

**MOTOR VEHICLE (HIRE CAR) REGULATIONS**

As in force at 1 August 2003

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 August 2003

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## MOTOR VEHICLE (HIRE CAR) REGULATIONS

### Regulations under the *Motor Vehicles Act*

#### Part I Preliminary

##### 1 Citation

These Regulations may be cited as the *Motor Vehicle (Hire Car) Regulations*.

##### 2 Commencement

These Regulations shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

##### 3 Repeal

The regulations specified in Schedule 1 are repealed.

##### 4 Interpretation

(1) In these Regulations, unless the contrary intention appears:

***Alice Springs area*** means the town of Alice Springs.

***child*** means a person who has attained the age of 12 months but has not attained the age of 8 years.

***conversion card*** means a card issued under regulation 47(1).

***Darwin area*** means the areas comprised within the boundaries of the divisions, within the meaning of the *Electoral Act*, of Berrimah, Casuarina, Fannie Bay, Jingili, Leanyer, Ludmilla, Millner, Nightcliff, Port Darwin, Sanderson, Wagaman and Wanguri as specified in the instrument dated 15 September 1983 made under the *Electoral Act* and appearing in *Gazette* No. S31 dated 20 September 1983.

***fare card*** means a card showing the amount payable for a journey by a taxi.

***hire car*** means a private hire car, limousine or taxi.

**infant** means a person who has not attained the age of 12 months.

**Jabiru area** means the area within 13 kilometres of the Post Office at Jabiru.

**Katherine area** means the town of Katherine.

**licence** means:

- (a) other than in respect of Division 2 of Part II and regulation 72 – a licence granted under section 26(1) or 27(1) of the Act; and
- (b) in respect of Division 2 of Part II and regulation 72 – a licence granted under section 10(1) of the Act entitling the holder of the licence to drive a hire car of the type specified in that licence.

**liquor** means liquor within the meaning of the *Liquor Act*.

**member** means a member of the Police Force.

**Nhulunbuy area** means the area within 13 kilometres of the Post Office at Nhulunbuy.

**passenger**, in relation to a hire car, includes the hirer of the hire car but does not include the driver of that hire car.

**taxi rank** means a portion of a carriageway situated between 2 consecutive taxi rank signs, the arrows of which signs point generally towards each other.

**taxi rank sign** means a traffic sign, within the meaning of the *Traffic Act*, bearing an arrow and the words "Taxi Rank", whether with or without other words, figures or symbols.

**Tennant Creek area** means the town of Tennant Creek.

**young person** means a person who has attained the age of 8 years but has not attained the age of 14 years.

- (2) A reference in these Regulations to the owner of a hire car (including, for that purpose, a reference to the owner of a taxi or private hire car) is a reference to the holder of the licence in respect of the hire car, irrespective of whether he is also the person described in the certificate of registration issued in respect of that hire car as the owner of that hire car.

## **Part II            Licensing of hire cars and drivers**

### **Division 1        Licensing of hire cars**

### **Division 2        Licensing of drivers**

#### **6                  Driver of hire car to be specially licensed**

A person shall not drive a hire car as a hire car unless he holds a licence which specifies that he is licensed to drive a hire car of that type.

#### **7                  Registrar to be satisfied in relation to certain matters before issuing licence**

The Registrar shall not grant a licence to an applicant for the licence except where he is satisfied that the applicant is:

- (a) a person of good character; and
- (b) a fit and proper person to hold the licence.

#### **8                  Certificate in relation to fitness and competency**

An applicant for a licence shall answer in writing the questions specified in an approved certificate of fitness and competency to drive a hire car.

#### **9                  Medical certificate in relation to hire car driver**

The Registrar may, before granting or renewing a licence, require the applicant for the licence to present a medical certificate given by a medical testing officer to the effect that the medical testing officer:

- (a) has, on the date of the certificate, personally examined the applicant, knowing him to be an applicant for the grant or renewal of that licence; and
- (b) is of the opinion that, having proper regard to the health and safety of passengers and of the public generally, the applicant is a medically fit and proper person to be employed as the driver of a hire car.

## **Part III            Conduct, &c., of drivers and passengers**

### **Division 1        General**

#### **10                Rules as to cleanliness, &c.**

- (1) The driver of a hire car shall, whilst so employed:
- (a) be clean and tidy and wear respectable clothes, including shoes;
  - (b) conduct himself in an orderly manner, and with civility and propriety towards a passenger or intending passenger; and
  - (c) have a copy of these Regulations ready for production and, at the request of an officer, acting in the execution of his duty, or of a person hiring or intending to hire or use the hire car, produce the copy for inspection by the officer or person making the request.
- (2) The Registrar may, by instrument in writing, or such other means as he thinks fit, require standards of dress, in addition to those specified in subregulation (1), for drivers of hire cars, and the driver of a hire car who is subject to such a requirement shall, accordingly, comply with the requirement.

#### **10A             Driver to display identification card**

The driver of a hire car shall, whilst so employed, display in that car an identification card:

- (a) of a type;
- (b) containing his photograph; and
- (c) displayed in a manner,  
approved by the Registrar.

#### **11                Driver not to smoke, &c.**

The driver of a hire car shall not:

- (a) smoke whilst the hire car is conveying a passenger;
- (b) importune a person to hire the hire car to the annoyance of the person or another person;
- (c) leave the hire car to tout for passengers or for a hiring;



- (d) endeavour to attract notice by whistling, shouting or calling;
- (e) permit the hire car to loiter; or
- (f) wrongfully or forcibly prevent or attempt to prevent the driver of another hire car from obtaining a hiring.

**12            Driver to remain on driving seat, &c.**

The driver of a hire car shall, upon a taxi rank on a public street, when not actually employed in or about the car, remain on the driving seat of the car or, as approved, in the immediate vicinity of the car.

**13            Liquor not to be carried**

The driver of a hire car shall not carry liquor in the hire car unless:

- (a) the liquor is the property of a passenger of that hire car whilst that hire car is under hire to the passenger; and
- (b) the seal of the container for the liquor is unbroken.

**14            Offensive substance, &c., not to be carried**

The driver of a hire car shall not:

- (a) permit a person to place or carry in the hire car a substance of an offensive character or which might soil or damage that hire car; or
- (b) other than in respect of the guide dog of a blind passenger, permit a person to place or carry in the hire car an animal which might soil or damage that hire car or the apparel of a passenger.

**15            Person not to be carried on hire car without consent of hirer**

The driver of a hire car shall not:

- (a) whilst hired, suffer or permit a person to ride or be carried in or upon the hire car without the consent of the hirer; or
- (b) sleep, lounge or eat inside the hire car.

## **16 Driver may refuse certain hirings**

- (1) The driver of a hire car may refuse a hiring to:
  - (a) a person who is:
    - (i) apparently suffering from an infectious or contagious disease or illness;
    - (ii) apparently under the influence of liquor, dirty or attired so as to be likely to soil or damage the hire car; or
    - (iii) noisy, violent, misbehaving or disturbing the public peace; or
  - (b) proceed to a place outside the Territory or to a place more than 40 kilometres from the place of hiring.
- (2) The driver of a hire car may, where a hiring is to a place outside the Territory or more than 40 kilometres from the place of hiring, negotiate with the hirer as to the fare to be paid for the hiring and that negotiated fare shall be the fare payable for that hiring.

## **17 Travel by shortest practicable route**

Subject to regulation 33, in conveying a hirer, the driver of a hire car shall travel by the shortest practicable route to the place specified by the hirer unless the hirer requests that the hire car be driven by another route.

## **18 Carriage of luggage**

The driver of a hire car shall not convey on the roof or on the boot of the hire car luggage or goods unless:

- (a) the luggage or goods is or are securely fastened to the roof or boot;
- (b) all the internal luggage space of that hire car is occupied or the luggage or goods is or are of such size as to prevent it or them from fitting into that internal luggage space;
- (c) the luggage carriers fitted to the roof or boot are of an approved design; and
- (d) where a boot-mounted luggage carrier is provided, that hire car has an external rear-vision mirror mounted on each of its sides.

**19            Driver must accept hiring by member**

- (1) The driver of a hire car shall not refuse the use of the hire car by a member acting in the execution of his duty.
- (2) A member who hires, in accordance with subregulation (1), a hire car shall not:
  - (a) be subject to regulation 39(1); and
  - (b) be liable to pay the driver of the hire car, in addition to the legal fare, more than reasonable compensation for damage or loss of time consequent on the hiring.

**20            Driver bound to carry passengers**

- (1) Subject to regulation 16 and subregulation (2), the driver of a hire car shall not, when so requested by the hirer, refuse to convey in the hire car a number of passengers not exceeding the number of passengers specified in the licence relating to that hire car as the number of passengers which that hire car may carry.
- (2) Subject to Part IIA of the *Traffic Act*, in ascertaining, for the purposes of subregulation (1), the number of passengers which a hire car may carry, there shall not be taken into account:
  - (a) an infant or child; or
  - (b) if there are 3 or more infants, children or young persons, every third such infant, child or young person.

**21            Expectoration**

A person shall not expectorate upon the floor or any other part of a hire car.

**22            Smoking**

A person shall not smoke in a hire car where smoking is prohibited as indicated by a notice displayed in or upon the hire car.

**23            Drinking liquor**

- (1) The driver of, or a passenger in, a hire car shall not, whilst in the hire car, drink liquor.
- (2) The driver of a hire car may, in respect of a passenger who, whilst in the hire car, drinks liquor, request the passenger to immediately leave that hire car and, if that passenger does not comply with the request, remove, or cause to be removed, that passenger.

**24 Certain articles not to be brought on hire car**

- (1) A person shall not bring into or upon a hire car, except with the consent of the driver of the hire car:
  - (a) subject to subregulation (2), a firearm, cinema film or sheet glass;
  - (b) a paint, an oil or a petroleum product which is not carried in a properly sealed container;
  - (c) anything which projects beyond that hire car; or
  - (d) anything which is, in the opinion of the driver, liable to damage that hire car or cause injury or inconvenience to, or damage to the property of, a passenger or other persons.
- (2) A person may bring into or upon a hire car a firearm which is:
  - (a) unloaded; and
  - (b) in a case or protective sheathing,subject to the condition that, if the driver of the hire car so requests, the firearm shall be carried in the boot of that hire car.

**25 Offensive language**

- (1) A passenger in or upon a hire car shall not:
  - (a) use profane, obscene, insulting or offensive language in, or commit a nuisance in or upon; or
  - (b) wilfully interfere with the comfort of another passenger in, the hire car.
- (2) A passenger in or upon a hire car who, in the opinion of the driver of the hire car, commits a breach of subregulation (1) may be requested by that driver to immediately leave that hire car and, if that passenger does not comply with the request, that driver may remove, or cause to be removed, that passenger.

**26 Defacing notices on hire cars, &c.**

A person shall not:

- (a) deface a notice or advertisement on a part of a hire car;
- (b) obstruct a person employed on or about a hire car in the performance of his duty; or

- (c) behave in a violent or offensive manner to the annoyance of another passenger or person in a hire car.

## **Division 2 Taxi drivers**

### **27 Multiple hiring**

- (1) Subject to subregulation (2), the driver of a taxi may, with the consent of the first hirer, carry more than one hirer.
- (2) The driver of a taxi shall not carry more than one hirer unless the taxi has been approved for multiple hiring and the carrying is in accordance with the conditions, if any, to which that approval is subject.

### **28 Taxi driver bound to accept hiring in certain cases**

Subject to regulation 16, the driver of a taxi shall:

- (a) where the taxi is upon a public stand, unless engaged for hire, accept a hiring for the conveyance of a person upon the request of the person; and
- (b) where he solicits a hiring whilst at a place other than a public stand, accept the hiring immediately when offered.

### **29 First taxi on stand to have right of hiring**

Where more than one taxi is upon a taxi rank, the taxi occupying the first position on the taxi rank shall, unless the person hiring selects a particular taxi, have a right to the hiring.

### **30 Use of taxi stands**

- (1) The driver of a taxi shall not place the taxi upon a taxi rank:
  - (a) unless the taxi is available for hire; and
  - (b) if another taxi is or other taxis are already upon the taxi rank, closer than one metre to the other taxi or the last taxi in the line of other taxis, as the case may be.
- (2) Unless otherwise directed by a member, the driver of a taxi, on arriving at a taxi rank which comprises positions for 2 or more taxis, shall:
  - (a) where no taxis are upon the taxi rank, cause his taxi to occupy the first position on that taxi rank;

- (b) where other taxis are upon the taxi rank, cause his taxi to occupy the next vacant position on that taxi rank behind the last position so occupied; and
  - (c) where the position next in front of the position occupied by his taxi becomes vacant, forthwith cause his taxi to occupy the vacant position.
- (3) The driver of a taxi shall not permit the taxi to stand at a place upon a public street, other than at a taxi rank, for a period of not more than 30 minutes except:
- (a) to pick-up or set down passengers;
  - (b) whilst engaged and waiting under instructions of his passengers, other than where such instructions involve the contravention of a law in force in the Territory prohibiting parking in a specified area or for a specified period; or
  - (c) by the direction, or with the consent, of a member or the Registrar.

**31 Taxi driver to search taxi**

The driver of a taxi shall, immediately after the termination of a hiring by a passenger, carefully search inside the taxi and, if he finds an article left therein shall, if possible, hail back the passenger and return the article or, if he is unable to hail back that passenger, forthwith take that article to the nearest police station, and there deliver it to the member for the time being in charge of the police station.

**32 Operation of taximeter**

The driver of a taxi to which a taximeter is fitted shall:

- (a) as soon as the car is hired, but not sooner, set the taximeter in operation; and
- (b) immediately upon the termination of a hiring, stop the taximeter.

**33 Route travelled by taxi on multiple hiring**

Where a taxi carries more than one hirer, the driver of the taxi shall convey the hirers of that taxi to the place or places specified by them so that the distance travelled by each hirer is the shortest distance which, in all the circumstances, it is practicable to travel.

## **Part IV            Fares**

### **Division 1        Private hire cars**

#### **34            Agreement in relation to private hire car fares**

Before a journey by a private hire car is commenced, the owner or driver of the private hire car shall notify the hirer of the amount of the fare for the hiring, including the charge, if any, for the conveyance of luggage or goods and the fare for that hiring shall be that amount or such lesser amount as may be agreed upon between the hirer and the owner or driver.

### **Division 2        Taxis**

#### **35            Separate fares not to be demanded or collected**

Subject to regulations 27 and 39(3), the driver of a taxi, or any other person, shall not demand or collect separate fares from passengers for one hiring or for one journey if there are more persons than one travelling.

#### **36            Taxi fares to be displayed**

The driver of a taxi shall display or cause to be displayed in the taxi, in such a position as to be readily seen by passengers, a legible notice setting out the fares and charges prescribed and applicable to the area in respect of which the licence relating to that taxi is issued.

#### **37            Taxi driver to give information to public**

The driver of a taxi shall, upon the request of an intending passenger, give to the intending passenger full and correct information concerning the fares charged for travelling in the taxi.

#### **38            Taxi driver not to claim for time between first and second hirings unless agreement made**

- (1) The driver of a taxi, on being discharged by a hirer at a place and requested by the hirer to call back at a later hour to the place or another place, shall not be entitled to claim a fare for the time between the time of such discharge and the time appointed for him to call back, unless a special agreement is made under regulation 42 between that hirer and that driver to that effect.
- (2) The driver of a taxi the subject of a request referred to in subregulation (1) may, if he thinks fit, claim his fare to the time of discharge, and may refuse to accept the hiring to call back.

**39            Taxi fare to be paid on demand**

- (1) The hirer of a taxi shall:
  - (a) after the termination of the hiring; or
  - (b) otherwise in accordance with these Regulations,and upon demand by the driver of the taxi, pay for the journey the fare chargeable in accordance with these Regulations or such lesser amount as may be agreed upon between that driver and hirer.
- (2) The driver of a taxi shall not in respect of a journey demand a fare in excess of the fare chargeable in accordance with these Regulations for the journey.
- (3) Where there is more than one hirer of a taxi, the fare chargeable to each hirer is equal to 75% of the fare chargeable in accordance with these Regulations for the journey from the place where the hiring commenced to the place specified by that hirer.

**41            Display of amount of taxi fare**

- (1) The driver of a taxi to which a taximeter is fitted shall, before requesting or receiving payment in respect of a hiring, cause the amount recorded on the taximeter to be displayed in such a fashion that it can easily be read by the hirer of the taxi.
- (2) The driver of a taxi to which a taximeter is fitted shall cause the face of the taximeter to be illuminated in such a manner that a hirer of the taxi can easily read an amount recorded on that taximeter.

**42            Journey to picking up place**

- (1) Where a taxi travels to a specified place to convey a hirer or his luggage or other goods from that place, the driver of the taxi shall:
  - (a) on arrival at the specified place, give prompt notice to the hirer personally of the arrival of the taxi; and
  - (b) set the taximeter, if any, fitted to the taxi, in motion:
    - (i) as soon as practicable after the giving of the notice referred to in paragraph (a); or
    - (ii) at a time appointed for the arrival of the taxi at the specified place,whichever is the later.



- (2) For the purposes of this Division, a journey by a hired taxi shall be regarded as commencing when the taximeter, if any, fitted to the taxi, is set in motion as specified in subregulation (1).
- (3) Where a person, acting on his own or another person's behalf, requests the driver of a taxi to travel to a specified place to convey, with or without the hirer, his luggage or other goods from that place to another specified place:
  - (a) if the request is made when the taxi is on a public street and is available for hire and the person making the request agrees to travel in that taxi to the first-mentioned specified place – that driver shall immediately comply with the request; and
  - (b) if, when that taxi arrives at the first-mentioned specified place, that hirer fails to complete the hiring – the person who requested the driver to travel to that place shall, on demand made by that driver, pay to him an amount equivalent to the prescribed fare in respect of the journey by that taxi to that place.

**43            Taxi driver waiting or requested to return later**

- (1) Subject to subregulation (2), where the hirer of a taxi requests the driver of the taxi to wait while that hirer leaves that taxi, that driver shall wait for the period agreed upon with that hirer or, if no period is agreed upon, for a period not exceeding 15 minutes.
- (2) The driver of a taxi may, upon arriving at a place where he is required by the hirer of the taxi to wait, refuse to wait unless he is paid the prescribed fare to the place or the prescribed charge for waiting, or both.
- (3) Where the hirer of a taxi leaves the taxi without instructing the driver of that taxi to wait, that driver is not entitled to charge for waiting in respect of a period longer than 15 minutes after that hirer leaves that taxi unless that driver has ascertained that that hirer intended him to wait for the longer period.
- (4) Where:
  - (a) the driver of a taxi is discharged by a hirer from a hiring; and
  - (b) is requested by the hirer referred to in paragraph (a) to return later with the taxi to the place of discharge for a further hiring,he may claim the fare to the time of discharge and need not accept a further hiring.

**44 Use of fare card where taximeter not working or not fitted**

- (1) Where there is in force an exemption under regulation 46(2), the driver of the taxi to which the exemption relates shall cause a fare card issued in respect of that taxi by the Registrar to be displayed in a position in that taxi in which it can be read easily by a passenger in that taxi.
- (2) Where an exemption under regulation 46(2) expires or is revoked, the person to whom a fare card was issued in pursuance of the exemption shall, forthwith, surrender the fare card to the Registrar.
- (3) Where a taxi to which a taximeter is fitted:
  - (a) is conveying a hirer of the taxi; and
  - (b) the taximeter ceases operating during the journey otherwise than by being stopped by a person,

the prescribed fare for that journey shall be calculated by reference to the distance of that journey shown by or ascertained from the odometer of the taxi.

**45 Information in relation to fares**

The Registrar may, by notice in writing served on the owner or driver of a taxi to which a taximeter is fitted, require that owner or driver to provide him, within the time specified in the notice, full and correct information of the trip details registered by the taximeter over the period specified in that notice and that owner or driver shall, accordingly, comply with that notice within the time specified in that notice.

**Part V Taximeters****46 Requirement and exemption**

- (1) Subject to regulation 47 and subregulation (2), a person shall not drive, or be in charge of, a taxi on a public street in a taximeter area for the purpose of conveying passengers or luggage or other goods unless there is fitted to the taxi, in the manner prescribed by Schedule 3, a taximeter of an approved type and with respect to which the requirements of that Schedule are satisfied and the taximeter:
  - (a) including each part of its controlling mechanism, is in good working order and condition;
  - (b) has been tested in accordance with regulation 48; and

- (c) is so adjusted that, when set in motion in respect of a particular hiring, it will in accordance with these Regulations calculate and display the fare for that hiring.
- (2) Where the Registrar is satisfied that the owner of a taxi to which a taximeter is fitted is not able temporarily to comply with all or any of the requirements of subregulation (1) owing to unforeseen circumstances affecting the operation of the taximeter, the Registrar may, by instrument in writing, exempt that owner from compliance with such of those requirements as he specifies in the instrument, for such period, and subject to such conditions, as, in the opinion of the Registrar, is or are reasonable and necessary to ensure compliance with those requirements at the expiration of the period so specified.
- (3) It is a defence to a prosecution for a failure to comply with a requirement of subregulation (1) that:
  - (a) the Registrar had exempted under subregulation (2) the owner of the taxi to which the failure to comply with the requirement relates and the exemption was in force at the time of the alleged offence; and
  - (b) the accused person had, at the time of the alleged offence, complied with the conditions specified in the exemption referred to in paragraph (a).

#### **47 Conversion cards**

- (1) Where:
  - (a) Schedule 2 is amended and the taximeter, if any, fitted to a taxi consequently requires adjustment to calculate and display a new charge or rate for a hiring; and
  - (b) it appears to the Registrar that the owner of the taxi referred to in paragraph (a) cannot within a reasonable time have the taximeter referred to in that paragraph adjusted so as to register the new charge or rate referred to in that paragraph,

the Registrar shall prepare and issue to that owner a conversion card.
- (2) The Registrar shall, in preparing a conversion card for the purposes of subregulation (1), prepare it in such a manner that, in respect of an amount which appears on a taximeter which has not been adjusted to register a new charge or rate referred to in that subregulation, it shows, or can be used to calculate, the amount which would, if the taximeter had been so adjusted, be shown on it.

**48 Maintenance of taximeter**

The owner of a taxi to which a taximeter is fitted shall:

- (a) keep the taximeter in good order and condition and, for that purpose, have that taximeter tested by a testing officer as often as necessary but not less than once in each 12 month period;
- (b) where, owing to an alteration in the taxi, including its equipment, or for another reason, the taximeter is not registering correctly or is otherwise malfunctioning:
  - (i) immediately notify the Registrar; and
  - (ii) until that taximeter is suitably adjusted and that taxi is produced to the Registrar for a test of that taximeter, take adequate precautions to prevent that taxi from standing or being driven on a public street in a taximeter area for the purpose of conveying passengers or luggage or other goods; and
- (c) where the taximeter so fitted is not the taximeter originally tested by a testing officer or where, for any reason, the seal affixed as required by Schedule 3 is broken:
  - (i) immediately notify the Registrar; and
  - (ii) until the taxi is produced to the Registrar for a test of that taximeter and a testing officer seals that taximeter, take adequate precautions to prevent that taxi from standing or being driven on a public street in a taximeter area for the purpose of conveying passengers or luggage or other goods.

**49 Inspection of taximeter**

- (1) The Registrar may, by notice in writing served on the owner of a taxi to which a taximeter is fitted, require that owner to produce the taxi for the inspection and testing of the taximeter by a testing officer at such a place and within such a period as are specified in the notice.
- (2) Where, as a result of an inspection and test under subregulation (1) of a taximeter fitted to a taxi, the testing officer who made the inspection and test is of the opinion that the taximeter does not satisfy a requirement of these Regulations, the Registrar may suspend the licence relating to the taxi until:

- (a) a taximeter satisfying the requirements of these Regulations is fitted to that taxi; and
- (b) the seal of the testing officer as required by Schedule 3 is affixed to the taximeter referred to in paragraph (a).

**50 Interference with taximeter**

A person shall not interfere with, or cause or permit another person to interfere with, a taximeter, or its mechanism, fitted to a taxi, so as to prevent the proper working of the taximeter.

**51 Fee for testing taximeter, &c.**

Before the inspection and testing of a taximeter, other than an inspection and testing required under regulation 49, or an inspection and testing by a testing officer who is not an employee within the meaning of the *Public Sector Employment and Management Act*, there is payable to the Registrar a fee of \$33.40.

**Part VI Use of taxi signs**

**52 Roof sign**

- (1) A taxi shall have fitted to it a roof sign which:
  - (a) displays towards the front of the taxi the word "TAXI"; and
  - (b) has:
    - (i) one or more lamps within it to illuminate the word "TAXI"; and
    - (ii) where the Registrar so directs, 2 additional tariff indicator lamps so that one lamp illuminated indicates that the taximeter of the taxi is recording tariff 1 set out in Schedule 2 and both lamps illuminated indicates that the taximeter of the taxi is recording tariff 2 set out in that Schedule.
- (2) A roof sign required under subregulation (1)(b)(i) to be fitted to a taxi shall be constructed so that where the taximeter, if any, of the taxi is set:
  - (a) in the disengaged position – the word "TAXI" is illuminated; and
  - (b) in the engaged position – the word "TAXI" is not illuminated.

- (3) A taxi required under subregulation (1)(b)(ii) to be fitted with a roof sign with 2 additional tariff indicator lamps shall be constructed so that one tariff indicator lamp is illuminated where the taximeter of the taxi is recording tariff 1 set out in Schedule 2 and both tariff indicator lamps are illuminated where the taximeter of the taxi is recording tariff 2 set out in that Schedule.
- (4) Where a lamp in a roof sign required under subregulation (1) to be fitted to a taxi is illuminated during the hours of daylight, the illumination shall be such that, notwithstanding the daylight, that lamp is clearly seen to be illuminated.
- (5) A taxi shall have a device, visible to the driver of the taxi when seated in his normal driving position, capable of indicating whether or not a lamp in the roof sign required by subregulation (1) is illuminated.
- (6) The colour of a roof sign required under subregulation (1) shall not, when illuminated, unless otherwise approved, be red, blue or amber.

### **53 Display of unauthorized signs**

A person shall not display a word, letter, sign or label on or near to the windscreen or other window of a taxi:

- (a) without the permission of the Registrar; or
- (b) unless permitted or required to do so in accordance with these Regulations.

## **Part VII Registration requirements for hire cars**

### **54 Interpretation**

- (1) For the purposes of this Part, the dimensions specified in this Part in relation to a seat of a hire car shall be determined with the seat unoccupied and undepressed.
- (2) The Registrar may, as he thinks fit, by notice in writing served on the owner of a hire car, exempt the hire car from compliance with such requirements of this Part, and subject to such conditions, if any, as are specified in the notice.

### **55 Occupant access**

A hire car shall have, adjacent to each of its outboard occupant seating positions, an access door capable of being opened from the interior of the hire car by an occupant of that seating position.

**56 Private hire cars**

A private hire car shall:

- (a) have provision for the seating of not less than 5 persons, including, for that purpose, the driver of the hire car;
- (b) be air-conditioned;
- (c) be fitted with a heater;
- (d) have all its floor surfaces, other than the floor surface under its driving pedals, carpeted; and
- (e) not have an internal or external advertisement or marking of any type, other than its registration plate.

**57 General seating requirements**

A hire car shall have seats:

- (a) which, in the opinion of the Registrar, are comfortable and provide adequate support and space for persons riding in the hire car; and
- (b) the exposed surfaces of which are covered with a non-absorbent or washable material.

**58 Appointments of hire car**

The exposed surfaces of the interior roof linings and other interior trimmings, and the exposed surfaces of interior and luggage compartment floor coverings, of a hire car shall be made of a non-absorbent or approved material.

**59 Interior lamps**

A hire car shall be fitted with an interior lamp which:

- (a) when illuminated, shows a white light;
- (b) becomes, if not already illuminated, illuminated when an access door of the hire car is opened; and
- (c) is controlled by a switch which allows the driver of the hire car, whilst in his normal driving position, to operate the lamp.

**60 Seat belts**

- (1) The Register may, by notice in the *Gazette*, specify the type of seat belt with which a hire car, or a class of hire car, shall be fitted.

- (2) The owner of a hire car the subject of a notice under subregulation (1) shall not drive, or permit to be driven, the hire car as a hire unless it is fitted with the type of seat belt specified in the notice.

**61      Luggage space**

A hire car shall have luggage space, external to the passenger compartment of the hire car, adequate, in the opinion of the Registrar, for the use of that hire car as a hire car.

**62      Radio fitted to hire car**

- (1) Subject to subregulation (2), where a hire car is fitted with a two-way radio, no part of the radio shall extend below the lower boundary of the instrument panel of the hire car.
- (2) A two-way radio which, in the opinion of the Registrar, is small in size may be fitted to a hire car:
- (a) below the instrument panel of the hire car; and
  - (b) to either side of the steering column of the hire car but, if to the driver's side, immediately adjacent to that steering column.

**Part VIII      Miscellaneous**

**63      Owner of hire car to keep record of all drivers employed by him**

- (1) The owner of a hire car shall:
- (a) keep a record of the full name and place of residence of each person who has driven the hire car and the dates upon which that person drove that hire car; and
  - (b) subject to subregulation (2), at the request of the Registrar, or an officer acting in the execution of his duty, produce, within the period specified in the request, the record referred to in paragraph (a) for the inspection of the Registrar or officer, as the case may be.
- (2) It shall not be necessary for the owner of a hire car, the subject of a request referred to in subregulation (1)(b), to produce the record referred to in subregulation (1)(a) the subject of the request for a period exceeding 3 months immediately preceding the date of that request.



**64 Owner of hire car to produce licence to registrar**

The Registrar may, by notice in writing served on the owner of a hire car, require the owner to produce at the office of the Registrar, within the period specified in the notice, the licence relating to the hire car and the owner the subject of that notice shall, accordingly, comply with that notice within the period specified in that notice.

**65 Production of licence, &c., to employee**

The owner of a hire car shall, before permitting or employing a person to act as the driver of the hire car, produce to the person, if required by that person, the licence and the certificate of registration relating to that hire car.

**66 Taxi not to ply outside its taximeter area**

- (1) A taxi shall not ply for hire on a public street in a taximeter area for which the taxi is not licensed to ply.
- (2) Where an offence against subregulation (1) occurs, the owner and the driver of the taxi the subject of the offence at the time that offence occurred shall be guilty of that offence.

**67 Notice of accident to owner**

Where an accident occurs which involves a hire car being driven by a driver other than the owner of the hire car, the driver shall, as soon as practicable after the accident, give notice of that accident to that owner.

**68 Hire car not to be used for illegal purpose**

The driver or owner of a hire car shall not cause or permit the hire car to be used for an illegal purpose.

**69 Plate to be affixed inside taxi**

The owner of a taxi shall cause to be securely affixed in a conspicuous place within the taxi the approved plate showing the letters and figures, not less than 25 millimetres in height, of the number plates issued in connection with the registration of that taxi.

**70 Driver of private hire car not to tout for passengers**

The driver of a private hire car shall not tout for passengers for, or importune a person to use, the private hire car.

**72      Unlicensed person acting as driver to be subject to regulations**

An unlicensed person acting as the driver of a hire car shall be subject to these Regulations and liable for a breach thereof in like manner as if he were a licensed driver.

**73      Taking charge of vehicle where driver arrested**

Where a person driving a hire car is arrested, a member may take charge of the hire car and place it in a place of safety until claimed by its owner.

**74      Penalties**

A person who contravenes or fails to comply with these Regulations is guilty of an offence.

Penalty:      \$1,000.

**75      Regulatory offences**

An offence of contravening or failing to comply with these Regulations (other than regulation 25(1)(b)) is a regulatory offence.

**76      Offences resulting from accident or other unavoidable causes**

It is a defence to a prosecution for an offence against these Regulations if the person charged with the offence proves to the satisfaction of the court hearing the case that the occurrence which is the subject of the case was the result of accident, or could not have been avoided by any reasonable effort on his part.

**77      Transitional and savings**

- (1) In this regulation, ***repealed Regulations*** means the *Motor Vehicle (Hire Car) Regulations* as in force at any time before the commencement of these Regulations.
- (2) Where:
  - (a) a notice under regulation 6;
  - (b) an instrument under regulation 32K(2);
  - (c) a conversion card issued under regulation 32L; or
  - (d) a suspension under regulation 32N(2),

of the repealed Regulations is:

(e) in the case of the notice, instrument and suspension – in force; and

(f) in the case of the conversion card – in existence,

immediately before the commencement of these Regulations, the notice, instrument, conversion card and suspension shall, on and from that commencement, continue in force or in existence, as the case may be, as if made or issued, as the case may be, under these Regulations but:

(g) subject to the same terms and conditions (including conditions relating to its duration), if any, to which it was subject immediately before that commencement; and

(h) may be varied or revoked by action taken under these Regulations.

**Schedule 1**

regulation 3

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Number and year
No. 4, 1953
No. 14, 1953
No. 17, 1972
No. 25, 1974
No. 4, 1975
No. 1, 1976
No. 16, 1977
No. 15, 1978
No. 31, 1979
No. 34, 1980
No. 39, 1981
No. 43, 1982
No. 79, 1982
No. 50, 1983
No. 14, 1985

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### **Schedule 3 Requirement for taximeters**

regulations 46 and 49(b)

1. A taximeter shall be of an approved type and:
  - (a) have a tariff indicator;
  - (b) be capable of displaying:
    - (i) the tariff prescribed by these Regulations for the journey being undertaken;
    - (ii) the hire charge; and
    - (iii) the distance rate,in easily discernible letters and figures;
  - (c) be capable of being effectively sealed against unauthorized alteration; and
  - (d) be capable of being installed in a position and manner approved.
2. The Registrar shall be satisfied that a taximeter in a taxi approved or proposed to be approved for multiple hiring has the operational capability of accurately computing and displaying the proportion of the fare for the journey of each hirer.
3. If required by the Registrar, a taximeter shall, before being fitted to a taxi, be sent to the Registrar and tested for accuracy of distance and timing.
4. After being fitted to a taxi, a taximeter shall be tested by actual use of the taximeter.
5. Where a taximeter is, after testing, found to be satisfactory, it shall bear the seal of a testing officer so affixed that the internal part of the taximeter cannot be reached without the seal being broken.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Motor Vehicle (Hire Car) Regulations (SL No. 30, 1985)***

Notified	6 November 1985
Commenced	18 November 1985 ( <i>Gaz S71</i> , 18 November 1985)

***Amendment of Motor Vehicle (Hire Car) Regulations (SL No. 34, 1986)***

Notified	29 August 1986
Commenced	r 3: 1 September 1986; rem: 13 September 1986 (r 1)

***Statute Law Revision Act (No. 2) 1987 (Act No. 59, 1987)***

Assent date	31 December 1987
Commenced	31 December 1987

***Statute Law Revision Act 1988 (Act No. 66, 1988)***

Assent date	22 December 1988
Commenced	22 December 1988

***Amendment of the Motor Vehicle (Hire Car) Regulations (SL No. 25, 1989)***

Notified	2 October 1989
Commenced	2 October 1989

***Amendment of Motor Vehicle (Hire Car) Regulations (SL No. 38, 1990)***

Notified	1 October 1990
Commenced	1 October 1990

***Amendment of the Motor Vehicle (Hire Car) Regulations (SL No. 42, 1991)***

Notified	1 August 1991
Commenced	1 August 1991

***Statute Law Revision Act 2003 (Act No. 12, 2003)***

Assent date	18 March 2003
Commenced	18 March 2003

